



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,801	02/07/2007	John Burgess	DUMMETT-039XX	6545

28452 7590 04/01/2009

BOURQUE & ASSOCIATES  
INTELLECTUAL PROPERTY ATTORNEYS, P.A.  
835 HANOVER STREET  
SUITE 301  
MANCHESTER, NH 03104

EXAMINER
----------

VEILLARD, JACQUES

ART UNIT	PAPER NUMBER
----------	--------------

2165

MAIL DATE	DELIVERY MODE
-----------	---------------

04/01/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/551,801	<b>Applicant(s)</b> BURGESS ET AL.	
	<b>Examiner</b> JACQUES VEILLARD	<b>Art Unit</b> 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>9/29/2005</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the Applicant's communication filed on 09/29/2005.
2. The preliminary amendment filed on September 29, 2005 has been entered.
3. Claims 1-10 are pending and presented for examination.

### ***Priority***

4. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

5. The information disclosure statement (IDS) submitted on September 29, 2005 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered as to the merits by the examiner.

### ***Claim Objections***

6. Claim 9 is objected to under 37 CFR 1.75 as being a substantial duplicate of another claim 9. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Applicant(s) is/are advised to cancel one of claims 9, since there are two claims 9 with the same wordings and subject matter.

***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-5, 8-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claims 2-5, and 8-10 recite in line 1 “A” communications system according to claim...”, the “A” render the claims indefinite, Applicant(s) is/are advised to change “A” in the beginning of claims 2-5, and 8-10 by “The” before communications.

b) The use of the term **and/or** in claims 2, 9, and 10 render the claims indefinite, because it is unclear what Applicant's intended metes and bounds of the claims are, since the claims are never defined.

***Claim Rejections - 35 USC § 101***

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1, and 7, the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. They are

Art Unit: 2165

clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material *per se*.

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." Both types of "descriptive material" are nonstatutory when claimed as descriptive material *per se*, 33 F.3d at 1360, 31 USPQ2d at 1759. When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir.1994).

Merely claiming nonfunctional descriptive material, i.e., abstract ideas stored on a computer-readable medium, in a computer, or on an electromagnetic carrier signal, does not make it statutory. See *Diehr*, 450 U.S. at 185-86, 209 USPQ at 8 (noting that the claims for an algorithm in *Benson* were unpatentable as abstract ideas because "[t]he sole practical application of the algorithm was in connection with the programming of a general purpose computer.").

As written, claims 1 and 7 do not contain any physical components (hardware elements to make them a "system") which is a machine within the meaning of § 101. Therefore, the claims are interpreted as software *per se*. It is noted that Software *per se*, is not patent eligible subject matter since it does not contain any structure that would allow

Art Unit: 2165

it to be a manufacture, machine, or composition of matter. As such the claims are nonstatutory, and therefore rejected under 35 USC 101.

The other dependent claims 2-5, and 8-10 included in the statement of rejection but not specifically addressed in the body of the rejection have inherited the deficiencies of their parent claims and have not resolved the deficiencies. Therefore, they are rejected directly or indirectly based on the same rationale as applied to their parent claims above.

As per claim 6, a mobile communications "device" made up of four (4) means is being cited; it appears that one of ordinary skill in the art could interpret the device as software, per se. It is clear that each of the means is a software instruction to be executed (see spec page 10, line 1 to page 12, line 12), thus constitutes "functional descriptive material". When functional descriptive material is recorded on some computer-readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir.1994), as such the claim is nonstatutory, and therefore rejected under 35 USC 101.

### ***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2165

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1, 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurvig HANS (WO 02/073926) in view of Nishikawa (U. S. Pub. No. 2001/0051946).

As per claim 1, Hurvig Hans discloses a communications system(e.g., the invention relates to a system of identity of servers and name servers connected to a common network such as the internet) as detailed (See Hurvig Hans page 1, lines 5-9, and page 19, line 16 through page 22, line 15). In particular, the Hurvig Hans system comprises a first database (e.g., the system contains a name server correspond to a first database) (See Hurvig Hans Fig.2 the server name) and a second database (e.g., the system contains an identity server correspond to a second database) (See Hurvig Hans Fig.2 the identity server), the first database comprising data identifying a system user(e.g., the personal domain name) and the second database comprising one or more data sets relating to a system user(e.g., identity, identity information) as detailed (See Hurvig Hans Fig.3, page 25, line 14 through page 27, line 19), wherein i) the first database additionally comprises data indicating the location of the one or more data sets relating to that user (e.g., the system contains a DNS, the DNS records mapping hans.hurvig.dk to the Internet Protocol address of is.dihost.dk...) as detailed (See Hurvig Hans page 24, lines 5-28); ii) the second database comprises a plurality of data sets relating to a system user(e.g., the system provides in table I which contains a plurality of data related to a system user) as detailed (See Hurvig Hans page 25, line 14 through page 27, line 13).

It is noted, however, Hurvig Hans did not specifically disclose the system being characterized in that: iii) the system further comprises a third database, the third database comprising hierarchical data defining a relationship between the plurality of data sets. In the order hand, Nishikawa achieved the claimed features by providing a database system including hierarchical link table considering as an extra database (e.g., the system provides a database system that can flexibly cope with an addition to or a exchange in the applications contents or in relationships among data) as detailed (See Nishikawa Title, and the Abstract, and page 1, paragraph 0002, page 4 paragraph 0040 through paragraph 0043).

It would have been obvious to one artisan skill in the art at the time of the applicant's invention was made to modify the system of Hurvig Hans by incorporating the database system with hierarchical link table mechanism taught by Nishikawa. The motivation being to have enhanced the system of Hurvig Hans by allowing it to using a hierarchical link table database in order to put the relationship information for each data set contained in corresponding Table I of Hurvig Hans in a separate database. As shown in Hurvig Hans's page 6, lines 26-27, the skilled artisan is already advised at the fact that "access rules may also be enforced by a computer or server (this server clearly corresponds to the third database of claim 1)." Therefore, it is obvious to modify the teachings of Hurvig Hans by the teachings of Nishikawa to efficiently have applicant's claim 1.

As per claim 3, most of the limitations of this claim have been noted in the



Art Unit: 2165

rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, the combination of Hurvig Hans and Nishikawa, as modified, discloses the claimed limitations, wherein the system includes a plurality of one or more of the following group: the second database (See Hurvig Hans Fig.2 in conjunction with the identity servers "identity site A and identity site B, C...).

As per claim 4, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. In addition, the combination of Hurvig Hans and Nishikawa, as modified, discloses the claimed limitations, wherein the first database, on receiving a first request from a client terminal sends a first response to the client terminal, the first request comprising identification data for a system user and the first response comprising data indicating the location of one or more data sets relating to that user (See Hurvig Hans page 21, line6 through page 22, line 27).

As per claim 5, the combination of Hurvig Hans and Nishikawa, as modified, discloses the claimed limitations, wherein the second database, on receiving a second request from a client terminal sends a second response to the client terminal, the second request comprising an identification of a requested data set and the second response comprising the requested data set (See Hurvig Hans page 21, line6 through page 22, line 27).

As per claim 6, the claim has substantially the same limitation as claim 1. As one can see the instant claim 6 clearly represent claim 1 in term of a mobile communication device that is configured to perform the method steps of claim 1. These limitations have already discussed in the rejection of claim 1. Therefore, it is rejected in similar grounds correspond to the arguments given to the rejected claim 1 above.

It would have been obvious to one artisan skill in the art at the time of the applicant's invention was made to modify the system of Hurvig Hans by incorporating the database system with hierarchical link table mechanism taught by Nishikawa. The motivation being to have enhanced the system of Hurvig Hans by allowing it to using a hierarchical link table database in order to put the relationship information for each data set contained in corresponding Table I of Hurvig Hans in a separate database. As shown in Hurvig Hans's page 6, lines 26-27, the skilled artisan is already advised at the fact that "access rules may also be enforced by a computer or server (this server clearly corresponds to the third database of claim 1)." Therefore, it is obvious to modify the teachings of Hurvig Hans by the teachings of Nishikawa to efficiently have applicant's claim 6.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hurvig HANS (WO 02/073926) in view of Monroe Steven (WO 2002/003235).

As per claim 2, most of the limitations of this claim have been noted in the rejection of claim 1. Applicant's attention is directed to the rejection of claim 1 above. It is noted, however, Hurvig Hans did not specifically disclose the system further

Art Unit: 2165

comprising a search engine, the search engine, in use, accessing data stored in the first database and/or the second database. In the order hand, Monroe Steven achieved the claimed features by providing a system for maintaining and accessing a WHOIS database (See Monroe Steven Abstract and page 3, paragraphs [007 and 008]. The WHOIS is corresponding to a search engine (e.g., a user at a client computer may request from whois client process information... the whois process information may in turn search the index files to obtain the identifier correspond to the requested information... and retrieve information from flat file database using the identifier and display the retrieved information to the user) as detailed (See Monroe Steven page 19, paragraph [074]).

It would have been obvious to one artisan skill in the art at the time of the applicant's invention was made to modify the system of Hurvig Hans by incorporating the WHOIS database system mechanism taught by Nishikawa. The motivation being to have enhanced the system of Hurvig Hans by allowing it to using a search engine as WHOIS database to access data more efficiently; thus, proving an intuitive, easy-to-use, icon based interface that enables a user to search or request for data information quickly and efficiently (See Monroe Steven page 19, paragraph [074], line 3 to page 20, line 2).

14. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe Steven (WO 02/003235) in view of Nishikawa (U. S. Pub. No. 2001/0051946).

As per claim 7, Monroe Steven discloses a system for maintaining and accessing a WHOIS database(e.g., the system is provided to facilitate maintenance and access to a whois database...) as detailed (See Monroe Steven Abstract, page 3, paragraph [007]; page 5, paragraphs [020-021]; Figs.1, 2, and 3 in conjunction with page 6, paragraph [024] through page 9, paragraph [040]. Similarly, Monroe Steven's system comprises a first database (See Monroe Steven Fig.2 in conjunction with element 212, and page 8, paragraph [034]) and a second database (See Monroe Steven Fig.3 in conjunction with element 310, and page 9, paragraph [040]), wherein: the first database comprises a plurality of first data records, each of the first data records being associated with a registered user of the communications system and comprising a registered user identifier and a data resource locator (e.g., the system provides a registrar computer that include a registrar database that includes registration information, such as domain name, and name and address of the owner of the registered domain name) as detailed (See Monroe Steven page 5, paragraph [020]); and the second database comprises a plurality of second data records, each of the second data records being associated with a registered user of the communications system and comprising one or more data sets associated with that registered user (e.g., the whois database may include any type of database, such as Oracle 8i..., and furthermore, it will be apparent to an artisan skilled in the art that if a record in the whois database is related to another record for example, in a parent-child relationship..) as detailed (See Monroe Steven page 9, paragraph [040], and page 15, paragraph [058]), the system being configured such that when a first data record is added to the first database, the system adds a second data record to

Art Unit: 2165

the second database, the contents of the second data record being derived from the data submitted to the first database(e.g., whenever a record is added... in the registrar database, a database management system or another process computer may write the identifier to the added record in a audit file) as detailed (See Monroe Steven page 5, paragraph [020], lines 6-9, and paragraph [021]).

It is noted, however, Monroe Steven did not specifically disclose the system being characterized in that the system further comprises a third database, the third database comprising a plurality of third data records, each third data record being associated with a registered user further associated with a first data record and a plurality of second data records, wherein each third data record comprises hierarchical data defining a relationship between the plurality of data sets. In the order hand, Nishikawa achieved the claimed features by providing a database system including hierarchical link table considering as an extra database (e.g., the system provides a database system that can flexibly cope with an addition to or a exchange in the applications contents or in relationships among data) as detailed (See Nishikawa Title, and the Abstract, and page 1, paragraph 0002, page 4 paragraph 0040 through paragraph 0043).

It would have been obvious to one artisan skill in the art at the time of the applicant's invention was made to modify the system of Monroe Steven incorporating the database system with hierarchical link table mechanism taught by Nishikawa. The motivation being to have enhanced the system of Monroe Steven by allowing it to using a hierarchical link table database in order to put the relationship information for each

Art Unit: 2165

data set contained in corresponding Table I of Hurvig Hans in a separate database. As shown in Hurvig Hans's page 6, lines 26-27, the skilled artisan is already advised at the fact that "access rules may also be enforced by a computer or server (this server clearly corresponds to the third database of claim 1)." Therefore, it is obvious to modify the teachings of Monroe Steven by the teachings of Nishikawa to efficiently have applicant's claim 7.

As per claim 8, most of the limitations of this claim have been noted in the rejection of claim 7. Applicant's attention is directed to the rejection of claim 7 above. In addition, the combination of Monroe Steven and Nishikawa, as modified, discloses the claimed limitations, wherein the data resource locator of the first data record associated with a registered user indicates the location of the second data record associated with that registered user (See Monroe Steven page 5, paragraph [020], lines 4-6).

As per claims 9 and 10, most of the limitations of this claim have been noted in the rejection of claim 7. Applicant's attention is directed to the rejection of claim 7 above. In addition, the combination of Monroe Steven and Nishikawa, as modified, discloses the claimed limitations, wherein the system further comprises a search engine, the search engine configured to search the first and/or the second database. (See Monroe Steven Abstract and page 3, paragraphs [007 and 008]. The WHOIS is corresponding to a search engine (e.g., a user at a client computer may request from whois client process information... the whois process information may in turn search the

index files to obtain the identifier correspond to the requested information... and retrieve information from flat file database using the identifier and display the retrieved information to the user) as detailed (See Monroe Steven page 19, paragraph [074]).

### ***Other Prior Art Made Of Record***

15. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. U.S. patents and U.S. patent application publications will not be supplied with Office actions. Examiners advise the Applicant that the cited U.S. patents and patent application publications are available for download via the Office's PAIR. As an alternate source, all U.S. patents and patent application publications are available on the USPTO web site ([www.uspto.gov](http://www.uspto.gov)), from the Office of Public Records and from commercial sources. For the use of the Office's PAIR system, Applicants may refer to the Electronic Business Center (EBC) at <http://www.uspto.gov/ebc/index.html> or 1-866-217-9197.

### ***Conclusion***

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (571) 272-4086. The examiner can normally be reached on Mon. to Fri. from 9 AM to 4:30 PM, alt. Fri. off..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chace Christian can be reached on (571) 272- 4190. The fax phone

Art Unit: 2165

number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/J. V./

Examiner, Art Unit 2165

/Christian P. Chace/

Supervisory Patent Examiner, Art Unit 2165